

471-05844-2021

Cause No. _____

KINGMAN HOLDINGS, LLC, AS TRUSTEE	§	IN THE DISTRICT COURT
OF THE TWIN CREEK DRIVE 707	§	
LAND TRUST	§	
	§	
Vs	§	COLLIN COUNTY, TEXAS
	§	
	§	
SPECIALIZED LOAN SERVICING, LLC	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S VERIFIED ORIGINAL PETITION
AND
APPLICATION FOR TEMPORARY RESTRAINING ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now KINGMAN HOLDINGS, LLC as TRUSTEE OF THE TWIN CREEK DRIVE 707
LAND TRUST, and suing for causes of action alleges:

I

RULE 47 STATEMENT

This suit does not seek damages but concerns title to real estate.

II

DISCOVERY LEVEL

Plaintiff intends to conduct discovery under Level 2, Tex.R.Civ.Pro.

III

PARTIES

Plaintiff is KINGMAN HOLDINGS, LLC a limited liability company domiciled in Dallas
County, Texas. Plaintiff sues in its capacity as Trustee for the Winding Trail 1525 Land Trust.

EXHIBIT 2

Defendant is SPECIALIZED LOAN SERVICING, LLC, a foreign limited liability company. It may be served with process by serving its registered agent::

C.T. Corporation System
1999 Bryant St., Suite 1900
Dallas, Tx. 75201

IV

VENUE

Venue is mandatory in this County because this suit concerns real estate located in this County.

V

CONDITIONS PRECEDENT

Plaintiff pleads, pursuant to Rule 54, Tex.R.Civ.Pro., that all conditions precedent to its right to recovery have occurred.

VI

RULE 193.7 ADVISORY

Defendant is advised that all documents produced in discovery shall be considered self-authenticated.

VII

FACTS

1. This suit concerns that certain house and lot located at 707 Twin Creeks Drive, Allen, Texas, and more particularly described as Lot 12, Block E of Twin Creeks, Phase One, an Additin to the City of Allen, according to the Map thereof recorded in Volume 1, Page 110, Map Records of Collin County, Texas.

2. Plaintiff purchased the property at a lien sale on or about May 4, 2021. Plaintiff recorded its deed as Instrument No. 20210507000930790.
3. Plaintiff's predecessor in interest is , Roger G. Strunk, who purchased the property on or about August 1, 2017, recording his deed as Instrument No. 20070105000026620.
4. At the time Plaintiff acquired the property, here was a deed of trust made by Strunk in favor of Mortgage Electronic Registration System, Inc., as nominee for the lender, Viewpoint Bankers Mortgage, Inc. The deed of trust was recorded as Instrument No. 20110712000720030.
5. Defendant has filed papers indicating it claims ownership of the deed of trust, although there is no assignment of the deed of trust to it.
6. Plaintiff has been unable to ascertain the true owner of the deed of trust, and the amounts necessary to pay off any senior lien.
7. Plaintiff is informed and believes that Defendant does not have the right to exercise the powers of sale under the deed of trust.

VII

CAUSES OF ACTION

A

DECLARATORY RELIEF

1. Plaintiff refers to and incorporates by this reference each allegation above.
2. Defendant is the record holder of a deed of trust encumbering the property.
3. Defendant has indicated its intent to foreclose the property.

4. Plaintiff prays that it be awarded a declaratory judgment holding that Defendant is not entitled to foreclose the house at this time.
5. Plaintiff further prays that Defendant be immediately enjoined from proceeding to foreclose the property; and, that upon notice and hearing such TRO be continued as a Temporary Injunction.

B

EQUITABLE REDEMPTION

1. Plaintiff refers to and incorporates by this reference each allegation above.
2. Plaintiff owns the right of equitable redemption.
3. Plaintiff prays that the Court require Defendant to provide it sufficient information to allow it to discharge any indebtedness owed to Defendant before Defendant proceeds to foreclosure.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to answer and appear herein, and that upon final trial Plaintiff be granted the relief herein prayed for, for costs of court, and for such other and further relief as the Court deems just.

Respectfully submitted,

/s/ Kenneth S. Harter
Kenneth S. Harter
State Bar ID: 09155300

Law Offices of Kenneth S. Harter
5080 Spectrum Dr. Suite 1000-E
Addison, Tx. 75001
(972) 752-1928
Fax (214) 206-1491
ken@kenharter.com
Attorneys for Kingman Holdings

**UNSWORN DECLARATION MADE
PURSUANT TO CIVIL PRACTICE AND REMEDIES CODE §132.001**

My name is Mark C. Disanti.. I am above the age of 18 and fully competent to make this declaration. This declaration is made under oath, pursuant to C.P.R.C. §132.001. All facts stated herein are within my personal knowledge and are true and correct.

I am the Member of Plaintiff LLC. I am duly authorized to make this Sworn Declaration. The facts contained in the foregoing are true and correct.

/s/ Mark C. Disanti
Mark c. Disanti

JURAT

My name is Mark C. Disanti. My business address is 9090 Skillman, Suite 182-A, Dallas, Dallas County, Texas. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Dallas, Dallas County, Texas, October 22, 2021

/s/ Mark C. Disanti
Mark C. Disanti

Certificate of Cash Deposit In Lieu of Surety Bond

Kingman Holdings, LLC

471st District Court

V.

Specialized Loan Servicing, LLC

Of Collin County, Texas

I, Lynne Finley, Clerk of the District Courts of Collin County, Texas, do hereby certify that

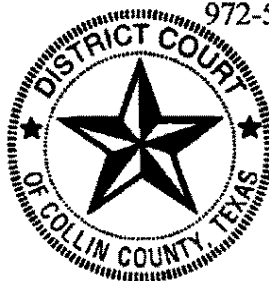
In Cause No. **471-05844-2021**

Kingman Holdings, LLC, as Trustee of The Twin Creek Drive 707 Land Trust Vs. Specialized Loan Servicing, LLC

Cash deposit in Lieu of Surety Bond in the amount of \$500.00 was made the 1st day of November, 2021, by Law Offices of Kenneth S. Harter on behalf of Kingman Holdings, LLC.

Witness my hand and seal of said court on this the 1st day of November, 2021.

ATTEST: Lynne Finley, District Clerk
Collin County, Texas
Collin County Courthouse
2100 Bloomdale Road
McKinney, Texas 75071
972-548-4320, Metro 972-424-1460 ext. 4320



By: Cynthia Coleman, Deputy
Cynthia Coleman

OFFICIAL RECEIPT

Lynne Finley, Collin County District Clerk
2100 Bloomdale Road Suite 12132
McKinney TX 75071
(972)424-1460 ext 4320
(972)548-4320

Payor
Law Offices of Kenneth S. Harter
5080 Spectrum Drive, Suite 1000-E
Addison, TX 75001

Receipt No.
DC-24998-2021

Transaction Date
11/1/2021

Description	Amount Paid
On Behalf Of Kingman Holdings, LLC	
471-05844-2021	
Kingman Holdings, LLC, as Trustee of The Twin Creek Drive 707 Land Trust Vs. Specialized Loan	
Servicing, LLC	
Kingman Holdings, LLC	
Civil Bond	500.00
SUBTOTAL	500.00
PAYMENT TOTAL	500.00
Check (Ref #3852) Tendered	500.00
Total Tendered	500.00
Change	0.00
11/01/2021	
12:35 PM	
Cashier	
Station CCO	
Audit	
7512173	

OFFICIAL RECEIPT